

FILED 09 FEB 24 12:45 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RODOLFO LEOS-MALDONADO,)	
)	
Petitioner,)	Civil Case No. 07-151-HU
)	
vs.)	ORDER
)	
MARK NOOTH,)	
)	
Respondent.)	
_____)	

Kristina S. Hellman
Office of the Federal Public Defender
101 SW Main Street, Suite 1700
Portland, Oregon 97204

Attorney for Petitioner

Hardy Myers
Attorney General
Jacqueline Sadker
Assistant Attorney General
Oregon Department of Justice
1162 Court Street, NE
Salem, Oregon 97301

Attorneys for Respondent

KING, Judge:

The Honorable Dennis J. Hubel, United States Magistrate Judge, filed Findings and Recommendation on January 21, 2009. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Petitioner has filed objections and defendant has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Hubel's Findings and Recommendation (#33). IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (#2) is denied and this action is dismissed with prejudice.

Dated this 23 day of February, 2009.


Garr M. King
United States District Judge